

JUN 3 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Barry L. Rickard, P.E.
Plant Manager
General Electric Company
Electronics Park, Bldg. 9
Syracuse, New York 13221

Re: General Electric Company
I.D. Number NYD059385120

Dear Mr. Rickard:

On May 23, 1983 you submitted to the U.S. Environmental Protection Agency (EPA) Part B of an application to operate a hazardous waste treatment, storage or disposal facility pursuant to Section 3005 of the Solid Waste Disposal Act, as amended, 42 U.S.C. §6901 et seq. In your submittal, you claimed that portions of the material contained therein were confidential, but you did not include a written substantiation of your confidentiality claim. EPA is now making a formal determination whether the information is entitled to confidential treatment, and pursuant to 40 CFR §2.204(e) we invite your comments on the following questions:

1. How long do you want this information treated confidentially?
2. What measures have you taken to guard against undesired disclosures of the information to others?
3. To what extent has the information been disclosed to others, and what precautions have you taken in connection with those disclosures?
4. Has EPA or any other federal agency made a pertinent confidentiality determination? (If so, include a copy of this determination or reference to it, if available.)
5. You claim disclosure of the information is likely to substantially harm your competitive position. What would the harm be, and why should it be viewed as substantial? What is the relationship between disclosure and the harm?

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You may, if you so desire, assert a business confidentiality claim covering all or part of the information being requested. The claim may be asserted by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business and may be submitted separately to facilitate identification and handling by EPA. If you desire confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, Part 2, Chapter I of Title 40 of the Code of Federal Regulations (40 CFR 2.201 et seq. 40 CFR 36906 (September 1, 1976)). If no claim of confidentiality accompanies the information when it is received by EPA, it may be made available to the public without further notice to you. Unless a request for an extension is made and granted pursuant to 40 CFR 2.205(b)(2), failure to respond to the above questions within fifteen (15) days of your receipt of this letter will be construed as a waiver of your confidentiality claim. 40 CFR 2.204(e)(1).

Your response must be submitted within fifteen (15) working days of your receipt of this letter and should be directed to Bruce R. Adler, Attorney, Waste and Toxic Substances Branch, Room 437, U.S. Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278. Should you have any questions concerning this matter, Mr. Adler can be reached at (212) 264-9898.

Sincerely yours,

Walter E. Mugdan
Assistant Regional Counsel
Office of Regional Counsel

bcc: Harry Ruisi, 2PM-PA ✓
Catherine Massimino, 2AWM-SW
James Cleary, 2AWM-SW

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Note:
Put this in
appropriate
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Barry L. Pickard, P.E.
Plant Engineer
General Electric Company
Electronics Park, Bldg. 9
Syracuse, NY 13221

Re: General Electric Company
I.D. Number NYD059385120

Dear Mr. Pickard:

I am responding to your letter of June 14, 1983 regarding the confidentiality of certain materials in the above Part E application. At the present time, EPA does not plan to rule on General Electric's claim because EPA does not need to make use of the allegedly confidential materials. If circumstances should change and we need to determine whether the materials are entitled to treatment as confidential business information, we will notify you of EPA's decision.

If you have any questions, please call Ms. Faith Falter at (212) 264-4471. Thank you.

Sincerely yours,

Walter E. Mugdan
Chief
Waste and Toxic Substances Branch
Office of Regional Counsel

cc: Dick Baker, Chief
Permits Administration Branch